Some Few

# QUESTIONS

Concerning the

# Oath of Allegiance:

Propoſed by a

## Catholick Gentleman

IN A

# LETTER

To a Perſon of

## *LEARNING* and *HONOUR.*

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MATTH. VII. 7.

*Quærite & Invenietis.*

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*LONDON*,
Printed for *Hen. Brome* at the Gun in St. *Pauls Church-Yard*, 1677.

# THE PUBLISHER. OF THIS Edition TO THE READER.

*THis Oath of Allegiance (like a Deed that has run through the hands of critical Lawyers) at the first drawing seem'd very plain, but now after it has been expounded 70 years off and on, by men of great skill to find flaws, has contracted many artificial and learned obscurities. It is thought seasonable to re-publish this short and judicious Treatise for the satisfaction of such as are at present either concern'd or curious. They that knew the wise and Pious Author might justly take it ill if I who knew him not but by his Writings, should lessen his great name by a mean commendation. I conceive he chose this modest way of Queries, that some Readers might be led by insensible degrees to find that satisfaction from their own reason, which they would have thought much to be driven to by his; and the better to insinuate the principles of Loyalty into all, he seems to comply with the nice scruples of some well*

*minded perſons about ſome expreſſions in the Oath, though he perfectly ſatisfies thoſe very ſcruples, and knew very well that thoſe who firſt rais'd theſe fears about the form and dreſs would have boggled at the ſubſtance though never ſo plain and naked. I ſhall not preſume to ſpoil this Treatiſe by the leaſt addition or alteration of mine, but ſhall only gather up a few ſtragling notes out of other Writers which were not fit for theſe cloſe and pertinent Quaries, but yet may contribute ſomething to the ſatisfaction of leſs material, but not leſs common objections.*

*The attempt that provok't King* James *to make this Oath is too well known, and there was never any thing ſo much the diſgrace of Religion, or ſo heartily to be abhor'd by all good Catholics, except it were the principles which encourage and juſtifie ſuch undertakings. This merciful Prince not willing the innocent ſhould ſhare the ſeverity due to the guilty, publiſht this Oath (as he himſelf in his Book writ about it tells us)* to make a ſeparation between Catholics of a peacable diſpoſition, and in all other things good Subjects, and ſuch Catholics as maintain the rebellious principles of the powder Traytors. *And farther aſſures us that he hindred the Parliament from inſerting into the Oath*, a renunciation of the Popes power to excommunicate him: *ſo careful he was not to meddle with any part of our Religion, but meerly to remove theſe doctrines inconſiſtent with Civil Government. You will find in theſe* Quæries *what entertainment this Oath found at* Rome, *and in* Preſton's *anſwers what an ill reputation it had here, and how it improv'd in Hereſie, till every Clauſe of it contain'd one at leaſt. But when theſe principles had produc'd in* France *ſuch dreadful conſequences, and thoſe had deſerv'd the ſevere cenſures that are printed, and many others, and the four principal Jeſuits in* Paris, Armandas, Cotton, Fronto, *and* Syrmond were enjoyn'd by the Parliament, to take order that their General at *Rome* ſhould renew a prohibition to any of the Society to teach and publiſh the like doctrines, and themſelves were commanded to preach a contrary doctrine. And all this under the penalty of being proceeded againſt as Traytors, *It was then time to quit the pretence of Faith for theſe doctrines; but yet ſtill ſome kept poſſeſſion*

poſſeſſion of them under the title of probability. This was all the claim Cardinal Peron offer'd in defence of that vehement Oration about this matter. Where he ſaies that even Cardinal Bellarmin himſelf did not propoſe that doctrine of the Indirect Power, comme doctrine de Foy, as an article of Faith, & dont il faille tenir l'un ou l'autre party ſous pein d'Excommunication & d'Anatheme, as if either part were to be under pain of Excommunication. Now how weak ſoever this tenure of probabilities may ſeem to thoſe who know many opinions paſs for probable that are evidently falſe; yet it afforded the foundation to the moſt excellent invention of thoſe, who profeſs that they dare not renounce the Popes power, becauſe 'tis probable it may be de Fide, yet they will promiſe never to obey it becauſe 'tis but probable that it is ſo. That ſubtlety was beyond the reach of Suarez: for he maintains ſtoutly, Defenſ. Lib. 6. c. 3. That denying obedience and not denying the power are inconſiſtent. And Bellarmin ſaies, The third Clauſe of this Oath that denies Obedience is grounded on the firſt that renounces the Power. So that had this complemental, civil, probable Obedience been but as practicable, as the diſtinction was curious, the Author of it had deſerv'd a title beyond Magiſter orbis. But theſe Quæries have ſufficiently laid open this evaſion, and no Prince was ever yet perſwaded that ſuch a cobweb as this (*WILL NOT*) ſhould hold thoſe probabliſts for any time, that are able to break through the ſtrongeſt nets that can be fram'd with either *CANNOT*, or *SHALL NOT*.

But 'twas impoſſible now any longer to defend theſe Opinions that had been ſo ſeverely cenſur'd and prohibited abroad, and ſo ſmartly refuted by Catholic Writers at home. Thereupon it was agreed that this Oath did not contain any ſuch dangerous poyſon but that it might ſafely have been taken, if it had been well prepar'd: but that there were pretended ſome offenſive though unneceſſary phraſes in it that ſpoil'd the whole. Now theſe little piques and nice exceptions were as ſufficient for the purpoſe as all the Hereſies that were ſo plainly diſcoverable in this Oath. For they kept moſt Catholics from taking it, and the party concern'd from the odium of holding the dangerous opinions.

*Moſt of theſe are now vaniſht, and the only one that remains conſiderable is the word* Hæretical. *Though there be enough ſaid in theſe Quaries to ſatisfie any man that has not been very induſtrious to keep himſelf and others disſatisfied: yet I will add two or three Obſervations that may contribute towards the removal of prejudices from ſuch as do not reſolve out of intereſt to retain them. The Poſition is*, That ſuch as are Excommunicated or depriv'd by the Pope may be depos'd or murthered by their Subjects. *This they pretend to deteſt and abhor, and give it any hard names but* Heretical. *Some reply, this deteſtation is all the Oath requires, and that we do not ſwear that Poſition is, or that we believe it is,* Heretical, *but that we abhor it as impious and* Heretical.

*Since we are got now to the term of Art, and all the ſtreſs lies upon a word of Eccleſiaſtical or Theological uſe, we muſt look to pay their own rates for it: and it amounts to this, that nothing is ſtrictly and properly* Heretical, *that is not ſo determin'd by a general Councel. But let us enquire, and get it as reaſonably as we can.*

*How ſhall we be aſſur'd that this is the proper notion of the word* Heretical. *It cannot be pretended of Faith, neither do they offer any evident reaſon for it. Is nothing properly* Heretical *till it be determined in a general Councel? or does not the Church know its Faith before a Councel meets? Was it not* Heretical *to deny the moſt ſacred articles of our Faith before the Councel of* Nice? *What is known to be revealed and ſo received by the Church is of Faith whether a Councel has determined it or not: and what is contrary to that receiv'd Faith is* Heretical. *Some of the moſt unqueſtionable Articles of our Faith, and the moſt indiſpenſable commands of God may not have been determined in Councels, becauſe they have been ſo evidently the Faith of the Church that they have not been cali'd in queſtion:* viz. Non occides, non furtum facies. *What Councel has determin'd that 'tis* Heretical *to affirm* Murther *or* Theft *lawful? or if any has, did not the Faithful believe it before? and yet it were an odder medium to prove theſe Doctrines not of Faith, for this reaſon, that the whole Church has alwaies receiv'd them, and no Heretic has been condemn'd for*

*denying*

*denying them. As if we ſhould doubt the integrity of a perſon, and think his Oath not to be taken in a Court, becauſe he had never been accuſed of Perjury and acquitted himſelf before a public Tribunal.*

*To aſſert then, that 'tis lawful to commit* Murther *or* Theft, *whether a Councel has determin'd ſo or not, is* Heretical: *becauſe 'tis againſt the Law of God, and the known Faith of the Church. And are Kings excepted out of this command, though depriv'd and Extommunicated? I am confident they will not be very deſirous of this priviledge of having their throats cut. It is not expected that particulars ſhould be expos'd, but the univerſal precept is preſum'd to contain them, if the exception be not of Faith, or at leaſt evidently prov'd by reaſon. (Otherwiſe the command,* non occides, *forbids not the Murther of any particular man) Now either of theſe proofs are ſo far from being pretended (for this exception) that all confeſs 'tis not of Faith, nor certainly true; nay they that make this objection, and ſeem moſt civil to this doctrine offer to renounce it as* impious *and* damnable. *'Tis* Heretical *therefore to teach 'tis lawful to Murther; and to murther Kings, and Excommunicated and depriv'd are not excepted; (for 'tis impious doctrine to except them according to our adverſaries confeſſion) and if they be not excepted they are certainly included.*

*I find the third Remonſtrance deliver'd to the Lord Lieutenant of* Ireland *by the* Iriſh *Jeſuits, ſaies in the laſt Clauſe*: We deteſt from our hearts this impious doctrine which avoweth that any Subject can kill his anointed King, though of a different Religion, and we abhor the damnable practiſe of that wicked aſſertion. *And I hope they mean,* notwithſtanding Excommunication or Deprivation, *for they promiſe ſo in the body of their Addreſs. After ſo good an example there will not be much ſcruple at* impious *and* damnable. *But I cannot well underſtand how they came to be aſſur'd of this* impiety *and* damnation, *unleſs they take this killing of Kings to be prohibited by the general Precept and Commandement of God, and conſtant doctrine of the Church; and I believe that to teach that 'tis lawful*

*Hiſt. and Vin. of the* Ir. *Rem. Tr.* 1. *part.* 1. *pag.* 86.

*to break the Commandements is* Heretical. *However by this cenſure of theſe Fathers we ſhall gain this point*, viz. *that we cannot be apprehended to reflect either upon our ſpiritual Superiours, or Anceſtors (who have held or promoted this doctrine) by our calling it* Heretical, *any more than they do, by avowing it* impious *and* damnable. *For if people will needs be drawing conſequences from the doctrine to the perſon againſt all Logic, Manners and Charity, I do not think it will be a greater affront to infer that they that held theſe doctrines are* Heretics, *then that they were* damn'd *and* impious. *But 'tis well known there is more requir'd to prove any perſon a* Heretic, *than the holding a doctrine that is* Heretical. *Whoever has been in the Schools abroad know 'tis frequent in their Theſes to call the common opinions of ſome other Divines* Heretical *without any breach of Charity; and they that ſay ſo are ſo far from thinking that the Church has determin'd thoſe Controverſies, that they are confident ſhe never will. Some call it* Heretical *to deny the five Propoſitions of* Janſenius *to be* totidem verbis *in that Author; others talk lond of a new* Hereſie *of the Jeſuits that teaches the Pope infallible in matters of fact. They both know theſe points were never condemn'd in general Councels, and ſhall we uſe theſe words ſo often to do one another miſchief, and never to do our ſelves good? Why may* Heretical *be taken ſometimes in a more looſe, but here muſt be taken in the moſt ſtrict ſenſe? 'Tis againſt the opinion of all that write of theſe Subjects.* Suarez *in his fourth Book* De Leg. *ſaies*, Benigna & favorabilis interpretatio ſemper præferenda eſt, præſertim ſi materia Legis ſit pœnalis & odioſa; *and another Axiom which the ſame Author as well as others, is*, Quod ſi vox aliqua plures habet ſignificationes proprias & uſitatas, illa eligenda eſt quæ menti & intentioni Legiſlatoris eſt magis accommodata. *Since then the moſt favourable ſenſe, and the moſt according to the mind of them that made the Oath is to be thought the true ſenſe according to theſe Maxims: Why do we in ſuch a penal caſe, take* the moſt ſtrict, and the moſt different, from the ſenſe of the Law-giver?

L. 6. de Leg. c. 1.

*But*

*But if Reaſon will not do, let us ſee what preſidents we have: Mr.* Foſſart *of the Hermitage of* Caen *in the year* 1661, *in his publick Acts advanced this Propoſition,* That the Pope has power to depoſe Kings, *though he made this modeſt interpretation, that* he meant Tyrants. *By a Decree of the whole Faculty of that Univerſity, both his Theſis and Expoſition ran the ſame fate, and were deeply condemn'd, and he himſelf cenſur'd by the Præſidial Court after impriſonment,* to acknowledge that the ſaid Propoſition was falſe, contrary to the Word of God, and to the holy Decrees of Councels, *&c. Here a leſs Doctrine then ours is voted contrary to the Councels, and Word of God. A good fair beginning.*

*In this Treatiſe you will meet with two cenſures of the Faculty of* Paris, *one paſſ'd in the year* 1413, *the other* 1610, *where this very word* Heretical *is us'd about theſe Doctrines. And in the year* 1408, *there was a Doctrinal cenſure againſt the like Doctrine, and confirm'd by the Council of* Conſtance, *which was order'd in the year* 1614 *to be renew'd, and to be every year on a certain day read in the Schools of the Jeſuits, and of the four mendicant Orders. And ſure theſe Divines thought that Council againſt theſe practices.*

D'Avila, *eſteem'd a faithful Hiſtorian, in the* 14*th. Book of his Civil Wars, when he ſpeaks of the Decrees of Parliament, regiſter'd againſt the Jeſuits upon their baniſhment, after the furious attempt of* Jehan Chaſtel *upon* Henry *the* 4*th. has theſe words:* To this Decree of the Parliament, the Divines of the City of *Paris* met together in Cardinal *Condy's* Houſe, added a Declaration, whereby they determin'd, that the Doctrine which taught to kill Princes was heretical, prodigious, and diabolical, and gave charge to all men of Religious Orders, to acknowledge King *Henry* the 4th. their lawful Prince and King. *And yet this King was at that very time excommunicated, depriv'd, and declar'd an Apoſtate and Perſecutor of the holy Church, as may be ſeen in the ſame Author. It was time to be ſevere to a Doctrine, from which ſome of that Nation had nimbly drawn moſt bloudy conſequences, which had diſpatch'd them a King already, and now attempted his Succeſſor. If neither theſe*

*Reaſons*

*Reaſons nor the Examples of others will prevail, ſome will be apt to ſuſpect that we have not ſufficient unkindneſs for this Poſition, which we refuſe to treat with ſo ſevere reproaches as are given it in other Nations.*

*Many pretend both heartily to deteſt theſe Doctrines, and be well enough reconcil'd to the harſh expreſſions, and have nothing left but this Objection,* viz. *that we ſhall gain nothing by this profeſſion; but after we have made a difference amongſt our ſelves, we ſhall all be equally expos'd to the ſame ſeverities. This ſeems no very generous reply, when the credit of our Religion lyes at ſtake, from which we endeavour to remove prejudices in other points, without any pretence to gain a worldly intereſt. And though, I hope, our late loyal actions, and ſincerity, and quiet correſpondence with our Neighbours, has in part worn out theſe ſcandalous imputations, yet ſince all the diſloyalty that ever has been charg'd upon Catholicks, has come from ſuch as own'd theſe principles, let us give all the ſatisfaction that can be deſir'd, that theſe principles have no influence over us. The Apoſtles commanded and perform'd obedience to the moſt tyrannical Governours, not for fear but conſcience, and though they gained nothing by that hearty profeſſion, yet the primitive Chriſtians and Fathers through all tyrannies and perſecutions follow'd their example. They were ſo far from abſolving Subjects from their obedience to good Princes, that they reſtrained them from defending themſelves againſt the moſt tyrannical; and though they had power and ſtrength enough to reſiſt moſt violences, they* rather chose to be kill'd then kill: Tertul. *Apol.* *and though they gained no preſent eaſe, yet, I am very confident, this peaceable Doctrine and converſation did more win the minds of the people, then any claim of abſolute ſoveraignty and dominion over the whole world could have done. Let us follow their example, and neither permit any temporal fears to make us deny our duty to our ſpiritual Superiors, nor any ſpiritual hopes or fears to make us diſſemble our Allegeance to our temporal Governors. Let us ſo far manifeſt our title to indulgence, as to make appear, that* we hold no opinions that are apt to diſturb the peace of the Kingdom. *Let us reſolve with the bleſſed Apoſtle,* If the will of God be that we

we ſuffer, we ſuffer for well-doing, and not as Malefactors.

*What the meaning is of making differences I do not apprehend. For ſince all agree theſe doctrines are not of Faith, and 'tis no great news for thoſe of the ſame Communion to differ in opinions, I ſee no harm if we believe that to be falſe which they hold but probable, that is, may be falſe for any thing they know. Much leſs can there be any fear of diviſion with thoſe who are only troubled with the incommodious phraſes, if we both agree that the doctrine of killing Kings is impious and damnable, contrary to the Word of God, and decrees of Councels, I hope we ſhall not fall out about the propriety of a word which is ſo frequently uſed by themſelves in the ſenſe we take it in. They that will divide and flie aſunder upon ſuch tender touches, cannot be kept long together.*

*The cenſure of the Univerſity of* Paris, *here printed, ſaies this depoſing doctrine* opens a gap to Schiſm, retards the converſion of Infidels, renders odious the Papal dignity, &c. *Why ſhould the renouncing ſuch doctrines as open a gap to Schiſm endanger diviſions among us? For my part I fear, if we cannot agree but on ſuch articles and conditions, our agreement will be look't upon like a combination or conſpiracy rather than that unity of Chriſtians which ſhould be in the bond of peace.*

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THE

# THE AUTHOR TO THE READER.

*A Thouſand to one now you'l be inquiring, who is the Author? Pardon me, if I frankly anſwer, what need you care? Judge of the Veniſon, and never trouble your ſelf with asking whence it comes. 'Tis a ſhort Book, though a long Letter; and when you have perus'd a period or two, if you like it, you may read on; if not, lay it down, and betake your ſelf to ſome better buſineſs: only oblige me with this favour, if you allow not what I have done; teach me what I ſhould have done. This is my caſe.*

*Methought I ſaw the truth hang clearly on my ſide, while I conſider'd only the weights which each hand laid in the balance; but the Number of thoſe who ſtrove by plain force to pull down the Other, a little mov'd, I confeſs, and ſhak'd my Scale: yet I eaſily recover'd my former ſteddineſs, when I reflected on the Moment one ſolid Reaſon has, compar'd to a multitude even of the graveſt Opiners: But then they ſhrewdly heav'd at me again, Why ſhould not the Many be preſum'd to have Reaſon, as well as the few? againſt which, thus much, at leaſt, I had to ſay, and perhaps ſomewhat more to think; That ſince either too ſtrong an Intereſt, or too*

*weak a Courage, or too ſlight an Examination, may juſtly be ſuſpected as the general cauſe of ſpreading that Opinion, I hop'd my inferiourneſs in number would not be able to work me any great prejudice with thoſe who fairly compar'd my advantages in other reſpects; eſpecially if we remember the diligences perpetually us'd for improvement of Eccleſiaſtical Prerogatives; by advancing ſtill favourable Tenets, and prohibiting the contrary; while the good Lay-Princes ſeldome provide ſo carefully for themſelves; and where they do, ſuch tender Doctrines grow very ſlowly, and if they chance to take a little, yet for want of depth, ſoon wither away.*

*Nor is my Party ſo few as not to be conſiderable: If three or four Doctors, nay perhaps One, who has well ſtudied the Point, can make an Opinion ſafe; What may we ſay where a greater number of whole Univerſities engage their Judgments? Univerſities equal to the beſt in* Europe, *who on purpoſe ſtudied and diſputed the Queſtion, and having ſeriouſly ponder'd both what Popes had done, and Councils had defin'd, and all kind of Authors had written, at laſt unanimouſly concluded and decreed what this following* Letter *intends to repreſent.*

*When I was thus by Reaſon and Authority ſatisfied in my own mind, ſtill there remain'd a Scruple to publiſh it; for though I ſuppoſe my ſelf ſecure of a Truth, what have I to do, being a private Man, to tell it to others, eſpecially Thoſe who are infinitely more competent Judges than I? But as again I beg your Counſel, let me again tell you my condition; I obſerv'd, that moſt of the Perſons, from whom we might expect ſuch diſcourſes, were either diverted by other imployments, or for particular conſiderations unwilling to meddle with This:*

*On*

*On the other ſide I conſider'd how excellent a Charity it were to be the occaſion of ſetling clearly ſo important a Doctrine, that we might hang no longer between Heaven and Earth,* God *and* Cæſar, *ſuſtain'd only by the ſlippery running knot of* Probability, *which will be faſt or looſe, as the Caſuiſt pleaſes, eſpecially if the Writers endeavours ſhould be bleſt with ſo happy ſucceſs, as to give the leaſt contribution towards the attainment of a more condeſcending form of Oath; wherein the* manner *of expreſſion being a little chang'd, every ſyllable of the* Subſtance *might entirely be retain'd; many of the better-temper'd Refuſers being obſerv'd to ſcruple more at ſome* Phraſe *than at* any Thing *in the Oath.*

*This ſtrongly carried me to wiſh the Work done; but my own unqualifiedneſs extreamly diſcourag'd me from doing it: At laſt, ſeeing my Independence on any (as to particular expectations) was a Circumſtance very ſuitable to ſuch an undertaking, and in very few to be found, my thoughts weary of ſtrugling one with another, ſat down and reſted, upon this Concluſion, That to propoſe my Senſe by way of* Quæries *could not be eſteem'd preſumptuous, ſince every fool has wit enough to ask Queſtions, and I have left for others, the Wiſe mans part, to anſwer them.*

# THE OATH OF Allegiance.

I A. B. Do truly and ſincerely Acknowledge, Proteſt, Teſtifie, and Declare in my Conſcience, before God, and the World, That our Soveraign Lord King CHARLES is lawful and rightful King of this Realm, and of all other his Majeſties Dominions and Countries; And that the Pope, neither of himſelf, nor by any Authority of the Church or See of Rome, or by any other means, with any other, hath any Power or Authority to depoſe the King, or to diſpoſe of any of his Majeſties Kingdoms or Dominions, or to diſcharge any of his Subjects of their Allegiance and Obedience to his Majeſty, or to give licence or leave to any of them to bear Arms, raiſe Tumults, or to offer any violence or hurt to his Majeſties Perſon, State, or Government, or to any of his Majeſties Subjects, within his Majeſties Dominions.

Alſo

Alſo I do Swear from my heart, that notwithſtanding any Declaration, or ſentence of Excommunication, or Deprivation made or granted, or to be made or granted, by the Pope, or his Succeſſors, or by any Authority derived, or pretended to be derived from him, or his See, againſt the ſaid King, his Heirs, or Succeſſors, or any Abſolution of the ſaid Subjects from their Obedience, I will bear Faith and true Allegiance to his Majeſty, his Heirs and Succeſſors, and him and them will defend to the uttermoſt of my power, againſt all Conſpiracies and Attempts whatſoever, which ſhall be made againſt his, or their Perſons, their Crown, and Dignity, by reaſon or colour of any ſuch Sentence, or Declaration, or otherwiſe; And will do my beſt endeavour to diſcloſe, and make known unto his Majeſty, his Heirs and Succeſſors, all Treaſons, and Traiterous Conſpiracies, which I ſhall know or hear of, to be againſt him, or any of them.

And I do further ſwear, that I do from my heart abhor, deteſt, and abjure, as Impious and Heretical, this damnable Doctrine, and Poſition; That Princes which be Excommunicated, or Deprived by the Pope, may be depoſed, or murthered by their Subjects, or any other whatſoever.

And I do believe, and in my Conſcience am reſolved, that neither the Pope, nor any Perſon whatſoever, hath power to abſolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully miniſtred unto

unto me, and do renounce all Pardons and Dispensations to the contrary. And all these things I do plainly and sincerely Acknowledge and Swear, according to these express words by me spoken, and according to the plain, and common Sense, and understanding of the same words, without any Equivocation, or Mental Evasion, or secret Reservation whatsoever.

And I do make this Recognition, and Acknowledgment, heartily, willingly, and truly, upon the true Faith of a Christian.

So help me God.

---

THE

# THE LETTER.

*SIR*,

AS your Civility has taught me, I may have any thing of you for asking, so my own Experience teaches me, nothing is more easy then to ask; Unless, it be, to doubt, or to be ignorant; two qualities so common, and so little implying any conceit of sufficiency in their Owner, that I hope you will neither accuse me of Presumption, while I only seek what I profess not to know; nor of imprudence, while I seek where I know I am most like to find. Your piercing Eye has both read what others say, and penetrated what they maintain; Your generous mind neither hopes nor fears can corrupt; and, if they could, your happy Condition secures you from both: To you therefore I confidently come, and without any farther Compliments, which you are too wise to expect, and I too uncourtly to give, I humbly desire your free and speedy judgment, in these few seasonable and Important *Questions*.

Some say the Pope, by direct and immediate sentence, can depose Princes; Others, he can only Excommunicate directly, and depose by Consequence. Some say, he can depose only Princes Subject to the Church; Others, Infidels too. Some say, he has power to do this only in order to Spirituals; Others, absolutely without that Restriction. Some say, the crime must be Heresy, or Apostacy; Others extend his Jurisdiction to more, and even all Cases. And there are who say, He cannot depose at all, neither any of these ways, nor for any of these Persons, nor for any of these Causes.

In favour of which last Position (not to speak of particular Authors) 'twas my fortune lately to meet with a Censure of the *Faculty* of *Paris*, and some publick and solemn Decrees made by that, and divers other Universities of *France*; Of which, the better to entitle my self to beg your Judgment, I here send you a short Extract; On purpose omitting the French King and Parliaments Prohibition and Arrests, as Lay-arguments, of little, and perhaps too little weight, with some that dispute this point.

## A *Decree* of the Univerſity of *Paris*, made by the Rector, Deans, Proctors, and Batchelers of the ſaid Univerſity, in a General Aſſembly had on the 20*th.* of *April* 1626. at the *Maturins.*

IT *having been repreſented by the Rector, that the ſacred Faculty of* Theology, *moved as well by their ardent zeal and fidelity towards the Church, his moſt Chriſtian Majeſty, and his Kingdoms; as alſo by the true and perfect love which they bear to Right and Juſtice, and following therein the illuſtrious Examples left by their Predeceſſors in like Caſes, upon mature Examination of a certain Latin book, entituled,* A Treatiſe of Hereſy, Schiſm, Apoſtacy, &c. and of the Popes power in order to the puniſhment of thoſe Crimes, *Printed at* Rome, 1625. *had in the* 30. *and* 31. *Chapters of Hereſy, found theſe Propoſitions;* That the Pope may with temporal puniſhments chaſtiſe Kings and Princes, depoſe, and deprive them of their Eſtates and Kingdoms, for the Crime of Hereſy, and exempt their Subjects from the obedience due to them; and that this cuſtome has been alwaies practic'd in the Church, &c. *and thereupon had by a publick, juſt, and legal Sentence, on the* 4th. *of* April, *Cenſured theſe Propoſitions of that pernicious book, and condemned the Doctrine therein contain'd, as* New, Falſe, Erroneous, contrary to the Word of God, rendring odious the Papal Dignity, opening a gap to Schiſm, derogative to the Soveraign Authority of Kings, which depends on God alone, retarding the Converſion of Infidels, and heretical Princes, diſturbing the publick Peace, tending to the ruine of Kingdoms, and Republicks, diverting Subjects from the obedience due to their Soveraigns, and precipitating them into Faction, Rebellion, Sedition, and even to commit Parricides on the ſacred Perſons of their Princes.

*The Rector, Deans, Proctors, Batchelers, and whole Univerſity have made this Decree; That the ſacred Faculty*

*of*

*of* Theology *ought highly to be commended, for having given a judgment ſo Pious, ſo Religious, ſo Wholeſome, againſt ſo wicked and dangerous a Doctrine: For having ſo opportunely held forth to the whole Church, but eſpecially to all* France, *the clear light of Antient and Orthodox Doctrine: For having ſo gloriouſly follow'd the Illuſtrious generoſity of their Predeceſſors, and performed a task, not only becoming their particular Profeſſion to defend the truth, but deſerving the Imitation even of the whole Univerſity it ſelf.*

*And to obſtruct altogether the very entrance of this new and pernicious Doctrine, and cauſe all thoſe who now are, or hereafter ſhall be members of this Univerſity, or merit promotion to any Degree therein, to remember for ever to form and regulate their Opinions according to the judgment pronounced by that ſacred Faculty, and keep at utmoſt diſtance from the Doctrine ſo juſtly preſcrib'd, and that every one in particular may fly, deteſt, and abhor it, and as well in publick, as private, Combate, Confute, and Convince its falſity: They do decree, that in the next ſolemn Proceſſion, as alſo annually in the Aſſembly for the Proceſſion general, immediately after opening the Schools in the month of* October, *this Cenſure ſhall publickly be read by the Proctor of the Univerſity (the firſt buſineſs nothing to intervene) and recorded in the Regiſters of each Faculty, and Nation; and that two Copies hereof, written and ſigned by the hand of the Clerk of the ſacred Faculty of* Theology, *ſhall be kept in the Common Records of the Univerſity, and the like number be ſent as ſoon as may be to all Superiours of Colledges, and Houſes, to the end all poſſible care and diligence be us'd to ſecure all thoſe who frequent, or reſide in the ſaid Colledges, from the corruption and poyſon of this pernicious Doctrine; and that they never give way that any Perſon whatſoever preſume to ſay or do any thing contrary to what has ſo wiſely been determined and ordain'd by that ſacred Faculty.*

*If any Doctor, Profeſſor, Maſter of Arts, or Scholar reſiſt and diſobey, or go about in any ſort by word or writing, on any cauſe or pretence whatſoever, to offer at the leaſt attempt, or make the leaſt oppoſition againſt this ſo laudable and legal a Cenſure, let him for a note of Infamy and Ignominy be expel'd and*

 *depriv'd*

*depriv'd of his Degree, Faculty, and Rank, by a ſentence that may for ever cut off all hope of admittance.*

## Quintaine,

*Scribe of the Univerſity.*

The Cenſure of the Faculty of *Sorbonne*, dated *4th. April* 1626. I omit, becauſe recited at large in this of the Univerſity.

The like Decrees on the ſame occaſion, and againſt the ſame Doctrine (That the Pope can puniſh Kings with temporal puniſhments, depoſe them and deprive them of their Kingdoms and Eſtates, &c.) were made by theſe ſeveral Univerſities following: All which have lately been printed at *Paris* in a *Collection of divers Acts, Cenſures, and Decrees as well of the Univerſity, as of the Faculty of* Theology *of* Paris.

By the Univerſity of *Caen*, aſſembled in the Convent of S. *Francis*, 7. *May* 1626.

By the Univerſity of *Rheims*, the four Faculties being aſſembled in the Chappel of S. *Patrice*, 18. *May* 1626.

By the Univerſity of *Tholouze*, the Rector and Profeſſors of all the Faculties being aſſembled in S. *Thomas*'s School at the *Dominicans*, 23. *May* 1626.

By the Univerſity of *Poitiers*, aſſembled at the *Dominicans*, 26. *June* 1626.

By the Univerſity of *Valence*, aſſembled in the great Hall, 14. *July* 1626.

By the Univerſity of *Bourdeaux*, aſſembled at the *Carms*, 16. *July* 1626.

By the Univerſity of *Bourges*, all the Deans and Doctors Regent of all the Faculties aſſembled by the Rector, 25. *Nov.* 1626.

By all which the ſaid Doctrine was Condemn'd as *Falſe, Erroneous, Contrary to the Word of God, Pernicious, Seditious, and Deteſtable.*

And

AND now, ſince ſo many, ſo famous Univerſities have unanimouſly, and ſolemnly, and deeply condemn'd this Poſition (That Popes can puniſh Princes temporally) and all this without conſtraint, voluntarily delivering their free judgments, unmenaced by their King, unconcern'd in ſelf-preſervation: The firſt Queſtion wherein I entreat your aſſiſtance, is

I. *Why we, when our Laws ſo threatningly command, and our Allegiance ſo nearly concern'd, may not ſafely and uncenſurably profeſs as much as They?*

AND I beg of you a more ſatisfactory anſwer, than, that the Pope in prudence forbears the French, becauſe their party is numerous, and learn'd, and united, and Perſons of heart and courage; for (omitting to obſerve the advantage this very Objection offers, by confeſſing ſo great Authority againſt that pretended Power) I ſhould eaſily ſecure my ſelf with this reply, that were not their Caſe, in it ſelf, at leaſt tolerable, all thoſe fair qualities could never juſtifie the Popes ſuſpending to condemn them. Their Tenets then clearly are in themſelves conſiſtent with Faith and Catholick Communion; and 'tis a Conſideration meerly prudential, whether ſuch proceedings ought to be Cenſur'd or no; which naturally leads me to my ſecond *Queſtion*.

II. *If there be reaſons enough to turn the Eye of Authority quite away from ſeeing what whole Univerſities ſo openly avow in the face of the world: are there not enow to Connive at us, who are but a few, and act privately, and not without the excuſing plea of extream neceſſity?*

HEre, Your firſt thoughts perhaps may offer you this diſtinction, That in *England* 'tis requir'd to renounce the Doctrine as *Impious* and *Heretical*, while

the *French* condemn it only as *False*, *Erroneous*, *Contrary to the Word of God*, *Pernicious*, *Seditious*, *and Deteſtable*. But I appeal to your ſecond thoughts, and ask,

III. *Are thoſe two words*, Impious and Heretical, *ſo vaſtly different in their true and natural ſenſe from the other half dozen*, Falſe, Erroneous, Contrary to the Word of God, Pernicious, Seditious, Deteſtable, *that all theſe ſix may voluntarily be affirm'd; and both thoſe, or at leaſt, one of them, whatever ruine attends, muſt neceſſarily be deny'd?*

IF we be oblig'd, as ſure we are, to anſwer in the ſenſe of our Propoſers, and they mean no more by *Heretical* (as the very Principles of their Religion, beſides other Arguments, ſufficiently aſſure us) than *Erroneous, and Contrary to the Word of God*; I hope this third *Queſtion* will prove no invincible difficulty: For, is not what's Contrary to the Word of God, Contrary to Faith; and what's Contrary to Faith, Heretical? Eſpecially ſince among our ſelves we muſt find a larger ſenſe for *Heretical*, than that which ſeverely meaſures its conceiv'd ſtricteſt notion; We muſt find a ſenſe wherein the Opinion of *Antipodes* was antiently Heretical, and the Turning of the Earth, or at leaſt the Standing of the Sun is ſo now; one of which the *Qualificatori* at *Rome*, in order to *Galileo's* Condemnation, Cenſur'd as Abſurd, Falſe, &c. the Other, as formally Heretical: We muſt find a ſenſe that may juſtifie not only our diſputing Schoolmen, who often on ſlighter grounds, cry out *Hereſy* one againſt another; but the publick Cenſors of Books, and Qualifiers of Opinions, who every day reject many Doctrines as Heretical, without intending to divide Communion from the Maintainers: Nay, we muſt find a ſenſe that may agree with the words of the Pope himſelf, in

in his Prohibitive *Brief* of this very Oath, which he ſayes, *contains many things contrary to Faith and Salvation*; and what can we imagin ſhould be thoſe *Many*, if the denſal of his Prince-depoſing power be not counted for One? yet poſſibly neither It, nor any of theſe I have mention'd are, in preciſe ſcolaſtic rigor, Heretical: but Uſe and Cuſtome being the Rule of Speech, I cannot ſee it reaſonable, why we alone in ſo Important an Occaſion, ſhould be denyed that latitude of ſenſe, which we know is ſo frequently, and ſo juſtifiably allow'd to all the world.

To reconcile more clearly this difference, I conceive the common Diſtinction of *Material* and *Formal* Hereſy very uſefull: According to the firſt ſenſe, whatever is now Heretical, alwayes was ſo in its inward nature; the Deciſion of the Church operating only by way of Declaration of the formerly believ'd Truth, and Extenſion of the Obligation to new Subjects, adding perhaps expreſs Menaces of *Anathema*, *&c.* to obſtinate Diſſenters, which every one is juſtly preſum'd to be, that ſubmits not to the known determination of the Univerſal Church.

In the ſecond ſenſe many Tenets are not yet Heretical, which may in time become ſo: Even this intollerably falſe and flattering Poſition, That the Pope is *direct* Univerſal King over all the World, is not yet (the Church not uſing to interpoſe Her Authority, till the Deciſion be neceſſary) condemn'd as Heretical: though certainly, none that pretend to the leaſt degree of true Loyalty, but are ready to abjure ſo damnable a Doctrine, as worſe than Impious, worſe than Heretical. 'Tis evidently therefore enough to verifie my forſwearing ſuch an errour as Heretical, if in it ſelf it be notably miſchievous without expecting till the Church can meet, and ſolemnly paſs Her Canonical Sentence upon it.

Though this Example of ſo many Univerſities be ſufficient to decide the Queſtion, in that they renounc'd this pretended Power; and more than ſufficient, to juſtifie us, in that they did it freely: Yet to propoſe an Inſtance agreeing, even in the point of fear too, with our;

I ſhall not forbear to ſay there was a numerous and conſiderable Party in *France* ( no leſs than the whole Body of the *Jeſuites* ) whoſe Judgment was known to differ from That of the Univerſities as much as Any, and more than moſt of Ours here, yet rather than expoſe themſelves to Inconveniencies, and their Intereſts to Danger; they publickly ſubſcrib'd the *Sorbonne* Cenſures; publickly condemn'd this King-dethroning Power, as Falſe, Erroneous, contrary to the Word of God, Pernicious, Seditious, and Deteſtable.

How this ſo ſolemn Subſcription, againſt what themſelves had formerly held either as *altogether*, or at leaſt as *almoſt* an Article of Faith, was underſtood at *Rome*, I know not: that it was actually done in *France*, I am confident will not be deny'd: that it was commanded, we need no other Evidence than the Arreſt it ſelf of the Parliament of *Paris*, dated 17. *Mar.* 1626. wherein 'tis Order'd, *That the Prieſts and Scholars of* Clermont, *and of the other two Houſes which the Jeſuits have in* Paris, *ſhould within three daies ſubſcribe the Cenſure made by the Faculty of* Sorbonne: *and within two months procure Teſtimonials of the like Subſcription from every Provincial, and Rector, and from ſix of the Antients of every Colledge of their Society in* France.

Nor can it be ſaid, this Subſcription relates only in general to *Santarellus*'s Book, ſince it particularly approves the whole Cenſure of *Sorbonne*; whereof one and the firſt branch is directly, and in moſt expreſs terms, againſt the Popes *Power to puniſh Kings Temporally, to Depoſe, &c.* If this be true, of which I know not the leaſt reaſon to doubt,

IV. *Why is it not Lawful for Engliſh Catholicks to be Loyal to their Prince, as far as the French to Theirs? Why is it not tolerable in Lay men here to diſavow what the ſtricteſt Religions there openly condemn? Strickeſt, I mean, in maintaining,*

*and*

*and extending the Popes Prerogatives, and ſo moſt pertinent to our Queſtion: Shall Humane Motives be allow'd their place with Them who renounce the World, and not with thoſe who live in it?*

IF any ſhall here pretend to diſtinguiſh between a ſimple Subſcription, which only was requir'd of the *French* Jeſuites, and a down right Oath, which is exacted of us; I cannot think but they proceed with too much ſcruple; ſince certainly no ſincere and generous honeſty will ſolemnly and deliberately atteſt under his hand, what he will not in due circumſtances ſwear to be true: and indeed, for Religious Perſons, who actually ſtill reflect on the preſence of God, what difference can there be, between calling Him in a form of words to witneſs what they ſay, eſpecially with ſuch Solemnity and Deliberation; and believing him continually in their hearts to witneſs not only what they ſay, but what they think?

And now where I demanded a reaſon, why ſo circumſpect and wiſe a Body ſhould act ſo differently in the ſame cauſe but different Countries; I could only return this conjectural Anſwer; that being wary and prudent perſons, they could not but ſee the Concerns they hazarded in *France* by refuſing to Subſcribe, far more important, than what they ventur'd at *Rome* by Subſcribing: whereas in *England*, all they can forfeit by declining the *Oath of Allegiance* (being themſelves but few, and without the Engagements of Colledges and Foundations) is perhaps of leſs eſteem with them, than the intereſt of their Univerſal Body at *Rome*, whence ſo many advantages are continually deriv'd to the reſt of their Society.

When I have taken leave to ſuppoſe for True, That a *certain* general Rule, is to be obſerv'd, notwithſtanding an Exception that's *uncertain*; I may eaſily hope your leave to ask this fifth Queſtion;

V. *If*

V. *If the Precept of Obedience to Kings in Temporals be a certain Catholick Doctrine, and the Exception (unleſs the Pope depoſe) be incertain; whether the Precept does not ſtill Oblige notwithſtanding that Exception?*

AND however ſuch a power may by ſome be held ſpeculatively probable, yet, as to any Execution, 'tis practically *no Power* at all, againſt one in poſſeſſion; and conſequently may be abjur'd as *ſuch:* he that has only a ſpeculatively probable Commiſſion to take away my life, has none at all actually to *do* it: and every one will ſurely agree, that to diſpoſſeſs a King is of infinitely more miſchievous Conſequence than to kill a private Perſon: Witneſs the horrid miſeries that followed the Depoſition of *Henry* the Fourth, by *Gregory* the Seventh, the firſt Pope, and firſt Emperour that ever engag'd ſo far in that kind of quarrel; a quarrel wherein both ſides endur'd for a long time unſpeakable Calamities, both ſides ſtriving with all extremity of paſſion and fury to ruine one another.

Our Allegiance to Kings, and Their Title to our Allegiance being both, in their natures, antecedent to Baptiſm: For the relation of King and Subject is by Birth, and the quality of Chriſtian by Adoption:

VI. *How can the Superinduced ſpiritual Obligation diminiſh the Civil, when no ſuch Condition is contain'd either in Baptiſm, Catechiſm, or Articles of Faith; Eſpecially ſince we are baptiz'd into the Communion of Believers, not of Opiners?*

TIS true, both Prince and people, do by their God-fathers in Baptiſm renounce the world, the fleſh, and the devil: but neither of them make any promiſe to forfeit their

their Crowns or Eſtates to the Pope, if they break their word. Nay, even Popes themſelves, in the primitive times, were temporally Subject to the Heathen Emperours both before and after their Converſion: And indeed, ſince *the Chriſtian Law*, by the Judgement of all, *deprives none of their Right*, if they were Subject before the Princes Converſion, they muſt needs continue ſo after.

Nor can I ſee (and in this every Reader is concern'd) why the Pope if once admitted to diſpenſe with Subjects Allegiance to their Prince, may not diſcharge the Tenants too from paying Rents to their Landlords, and Debters from their Obligations to their Creditors, as often as He ſhall Judge the Intereſt of Religion to require it. Nay, by the ſame reaſon, driven a ſtep or two farther; why may not every Biſhop in his Dioceſs, and every Curate in his Pariſh pretend a Right, *radically* inherent in his Dignity, to diſpoſe of all our Eſtates in Order to the good of our Souls; and that 'tis only either the hard-heartedneſs of Lay-Magiſtrates to hinder it from ſhooting forth into branches; or the Wiſdom of the Supreme Spiritual Magiſtrate to reſerve the whole fruit to Himſelf?

Already by my own reflexions I am fully ſatisfied that a Diſpenſation (ſhould any ſuch be pretended) with the *Oath* of Allegiance, would be no Diſpenſation with the *Duty* of Allegiance: The Duty being Antecedent to the Oath, and Independent of it, and only Confirm'd, not Created by it: and therefore as to this Point, I find no neceſſity of giving you any trouble.

But in the next Queſtion I muſt humbly beſpeak your pardon, becauſe I fear my boldneſs may need it: 'Tis a Caſe I never have yet ſeen well examin'd, and therefore more doubtingly propoſe it.

The Graveſt Aſſertors of the Popes indirect power to depoſe Princes, warily confine Him to two Caſes; which they call *Hereſie* and *Apoſtaſie*: And, as by *Apoſtate* they muſt neceſſarily mean One that has been a Catholick, and is *quite* faln away from Chriſtianity; So ſurely by

*Heretick*, they ſhould proportionably underſtand One that has been a Catholick, and is *in part* faln away from the Faith: This Conſideration, I confeſs, bred in me a ſcruple, I am not able, without your help to ſatisfie: How a Proteſtant Baptiz'd into the Church of *England*, ſhould be held oblig'd to the poſitive Laws of another Church; to which, neither himſelf, nor his God-fathers, promis'd any Obedience: his Baptiſm indeed confers Grace, and adopts him into the State of Salvation; but why ſhould he be counted ſubject to the Government of a Communion quite oppoſite to That into which he is Baptiz'd? does a Proteſtant commit a Mortal Sin every time he eats Fleſh on a Faſting day, or omits to hear Maſs on a Holyday, when neither Maſs, nor perhaps that Holyday is allow'd by his Church?

We know, whoever loves God above all things, is in the State of Salvation, but not of External Communion, till he actually ſubmit to it; and me thinks it ſeems obſcure, that I ſhould be interpreted to ſubmit to the Government of a Church of ſuch a Diſcipline, by my very being Baptiz'd into a Church of a contrary one.

Beſides, Followers of thoſe who began the Diviſion are not in the ſame form of Church-Condemnation with thoſe who began it; much leſs when they are born of ſuch Parents, and bred up in a Countrey where ſuch Tenets have ſo long and uncontrolledly been eſtabliſh'd, that many perhaps may hold them, without being *guilty* of holding them; Wherefore I humbly intreat your Learning to inſtruct me,

VII. *Whether You have read any Authors that expreſly ſay, a Magiſtrate ſo Circumſtantiated may be Depos'd by the Pope, eſpecially ſince I remember not one Inſtance, Ancient or Modern, of any ſuch Prince ſo treated?*

THE Examples of depoſing Princes being without any certain Rule, ſometimes by the Pope, ſometimes by the Nobility, ſometimes by the People, ſometimes

times by an Eminent Subject, ſometimes by a powerful Stranger; And the ground pretended, being ſometimes Religion, ſometimes ſome other Cauſe; give me leave to conſult your judgement,

VIII. *Whether thoſe Examples may not all be reſolv'd, Either by the General Anſwer, that* Fact makes no Right; *Or, that they were practis'd without any ordinary and acknowledg'd Juriſdiction; but only by way of common Reaſon and natural Prudence, which teaches us in extremities to caſt about and relieve our ſelves, in the beſt and hopefulleſt way we can, according to our Circumſtances?*

FOR though by this Almighty Maxime of *Extreme and Lawleſs neceſſity*, even Popes themſelves, as well as other Governors, have ſometimes been depoſed; yet I clearly believe neither Popes, nor Councils, nor Kings, nor Nobles, nor People, nor Strangers, have any Dormant Commiſſion from Heaven, that conſtitutes in any of them a Formal and Authoritative Tribunal to decide Juriſdictionally who ſhall be Pope or King.

To make this diſtinction (on which the whole controverſie chiefly depends) unmiſtakably plain and evident; let me parallel the grand Inſtances of Popes and Kings, with the little ones of private perſons: when we ſay, as I think every Chriſtian does, that 'tis Impious and Heretical to hold, One Neighbour can take away the life of another, though he never ſo much deſerve it; in Reference to what power do we ſpeak? is it not to that kind of power which is ordinarily Created by Commiſſion? can we be fairly interpreted to mean ſome odd extravagant caſe of abſolute neceſſity to defend our own lives againſt his otherwiſe unavoidable Aſſaults? So when we ſpeak of a Power and Authority to depoſe Kings, we are plainly to underſtand a Power and Authority veſted in St. *Peter* and his Succeſſors by Commiſſion from Chriſt:

This and this only, I conceive, is the Authority we are commanded to abjure; and unleſs ſuch a Divine Commiſſion be ſhewn, I cannot ſee why to aſſert ſuch a power in the Pope is not Impious and Heretical, as much and far more than the inſtance of private Murther: Eſpecially the *Oath* ſo particularly expreſſing its chief intent to be the excluſion of the Popes pretences, and prevention of the miſchiefs naturally apprehended from the Supreme and all-Commanding Juriſdiction of a Foreiner.

Having perus'd ſome Authors who confidently ſay, never any Orthodox Divine maintain'd this tranſcendent power in the Pope, nor ever any ſuch practices appear'd for above a thouſand years after Chriſt; though the Chriſtians long before that time had both ſtrength enough to do it, if they had had a Will; and Zeal enough to have will'd it, if they had thought it lawful: I cannot but ſuſpect this Doctrine of Novelty, till you be pleas'd to inform me,

## IX. *What Eminent Writers there are, in the firſt thouſand years after Chriſt, who expreſly hold this Tenet of the Popes Authority to Dipoſe Princes?*

THis I am apt to conceive ſo much the more improbable to be found; becauſe neither *S. Tho.* nor *Card. Bellarmine* cite any ancienter Authors than *Gregory* the ſeventh, whoſe Papacy is of a younger date than that we ſpeak of: Much younger yet is the Council of *Lateran*; nor can it with the leaſt colour of truth be alleg'd for any more than a Canonical Conſtitution; and perhaps not ſo much, till the difficulties concerning it be clear'd, which I leave to the Doctors, and only contend, 'tis at beſt no more; elſe the Defenders of Papal Depoſition were bound to believe its Decree in this point as an Article of Faith, and condemn the French Univerſities as Heretical, and ſeparate from their Communion: if then it be only an Eccleſiaſtical Canon, 'tis well enough known ſuch Laws are not Obliging, but where they

they are receiv'd, and where they are received, may on juſt grounds be again rejected. However, even where that Canon is admitted (if any where it be) no fair Interpreter can extend it to reach ſo high as Soveraign Princes, to whom this reſpect is generally by the Canoniſts eſteem'd due, that unleſs They be expreſly nam'd, they are not by implication underſtood to be comprehended in any penal or reſtrictive clauſe, a Civility allow'd even to Cardinals, whom I cannot think any diſintereſſed Conſiderer will prefer before Kings.

As for reaſon, which I confeſs, where 'tis evident, needs no Antiquity to gain my aſſent; I have not met with any that bids ſo fair towards ſatisfaction, as this argument.

If the Ends be ſubordinate to one another, the Faculties are.

But the End of Civil Power (temporal happineſs) is ſubordinate to the End of Spiritual Power (eternal happineſs.)

Therefore the Civil Power is ſubordinate to the Spiritual.

Let all this be ſuppos'd as true (though there want not diſtinctions, by which ſome endeavour to relieve themſelves in this Point too) I only enquire how this Spiritual Superiour muſt proceed, when the Temporal Magiſtrate intolerably miſdemeans himſelf; and I think He is confin'd, as his very *Name* imports, to Spiritual puniſhments, as ſuſpenſion from Sacraments, Excommunication, *&c.*

But that, they'l ſay is not ſufficient, nor the Church compleatly furniſh'd with means proportionate to its end, unleſs it can depoſe a Prince that deſerves it. To which, I anſwer,

Firſt, The argument is of ſo wild unlimited a Conſequence, that ſhould they inſtead of *Depoſe*, ſay *Kill*, or whatever other miſchief they pleaſe to invent, they might in Rigor with the ſame Reaſon defend it.

Secondly, Though in ſome ſenſe it be true, the Spiritual Power is furniſh'd with all means neceſſary to its End; yet

yet are we not oblig'd to ſay, it can remove all impediments, and that in what method it pleaſes; Is not the Sun compleatly endued with power to ſhine, unleſs it can level mountains, and overturn forreſts that intercept its light? or, which is nearer our Caſe, has not a King ſufficient power to govern, unleſs he can puniſh his neighbour King, nay even the Pope himſelf, and that with ſpiritual penalties? In regular and ordinary Occurrences, the regular and ordinary power both of Pope and Prince is ſufficient: in irregular and extraordinary, the very word ſignifies, they are *out of Rule*, and muſt be govern'd by occaſional reaſon, which allows both to Pope and Prince a juſt and equal title to provide, that Neither prejudice the Other; and this, without the Popes being Superiour to the Prince in Temporals, any more than the Prince is to the Pope in Spirituals; But, as abſolute Soveraigns, when there's no other remedy, may lawfully make war; ſo I conceive may theſe (each managing his proper weapon) and pretend only Reaſon, not Juriſdiction to juſtifie their proceedings.

Thirdly, I ſuſpect, this plauſible argument (the ſpiritual power is furniſh'd with all means neceſſary to its end) may ſo largely be underſtood, that it will flatly be deni'd; for, is not Execution of the Magiſtrates Commands, neceſſary to the end of Government? and is not a competent Force neceſſary to that Execution? why then did our all-foreſeeing *Saviour* not provide for this? why did he not furniſh his Supreme Lieutenant with twelve Legions of Angels, to overcome the Princes of the Earth, that will not obey his Decrees? As to this, I know no better reaſon, than that the Churches Hymn is true,

*Non eripit Mortalia,*
*Qui Regna dat Celeſtia.*

He does not Earthly Kings deprive,
Who came the Crown of Heaven to give.

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Beſides, may we not as well ſay, the Church is furniſh'd by *Chriſt* with all Offices (at leaſt all conſiderable Ones) as with all Power neceſſary to its Government? yet every one knows neither Patriarks, Primates, nor Arch-Biſhops are of divine Inſtitution, however their very being ſo canonically eſtabliſh'd in the Church, ſufficiently declares their uſefulneſs and neceſſity; and their being no otherwiſe eſtabliſh'd, ſufficiently convinces the weakneſs of the argument I am endeavouring to diſable.

If my expectations happen to fail in all theſe Queſtions, permit me yet to offer this ſhort Conſideration. The Poſition we are commanded to renounce as *Impious*, and *Heretical*, is this,

*Princes, who are Excommunicated, or Depriv'd by the Pope, may be depos'd or murther'd by their Subjects, or any other whatſoever.*

Since 'tis clear, that where the *Subject* of a Propoſition is in the disjunctive, unleſs the *Predicate* be verefiable of both Members, the whole Propoſition may abſolutely be deni'd; it plainly follows, if to ſay a Prince Excommunicated only (not depriv'd) may be depos'd by his Subjects, be Impious and Heretical, at leaſt in the large and uſual ſenſe of that word, that the whole Propoſition is ſafely abjurable, as Impious and Heretical. In which diſcourſe, this only ſeems to need proof, that 'tis Heretical to ſay, a Prince Excommunicated may be depos'd by his Subjects. And firſt, I hope, it will quickly appear to be *Falſe*, by the very definition of *Excommunication*; Excommunication being *a Church-Cenſure, that ſeparates from the Eccleſiaſtical Communion of the Faithful.* And though by a general rule we are commanded to avoid all Hereticks, and Excommunicated Perſons, yet (beſides that, of it ſelf it reaches only to ſpiritual things, unleſs the Civil Law extend it farther) the Canoniſts give many exceptions, one is (which nearlieſt concerns our Caſe) that of Relation; ſhall Husbands and Wives, Parents and Children, Maſters and Ser-

Servants, be bound in caſe of Excommunication to abandon one another? what Confuſion would ſo raſh a Doctrine bring into the world? and is it not far worſe, if Subjects ſhall think it lawful to forſake their King, nay unlawful not to forſake him?

Thus I conceive 'tis evidently Falſe; and if once admitted for *ſuch*, its own weight will ſoon ſink it down into Impious. And what is Impious, eſpecially drawing after it ſuch miſchievous effects, will eaſily be prov'd againſt the very Eſſence of the Chriſtian Law, and by Conſequence intrinſecally Heretical. If yet you think, this opinion not ſo *highly* cenſurable, I beſeech you inform me,

X. *Whether any of theſe Poſitions deſerve the Condemnation of Heretical? That the Pope has a* direct *Dominion, both in Spiritual's and Temporal's, over all the World: Or that He can deprive Kings of their lives, and paſs ſentence of death againſt them: Or againſt the lives or goods of any other Perſon? that is, whether He can make it lawful to do thoſe Acts, which, were they not Authoriz'd by him, would be plain Murther, Theft, or Rebellion.*

ALL theſe, every one I meet is ready to cry out on, as *Impious*, *Heretical*, and what you will; And is the Depoſing a King a ſlighter work, than the Sequeſtring a private Gentleman? Or has he a weaker Title to his Crown, than a Merchant to his Shop? Either I am deceiv'd by ſome Equivocation, which I intreat you to diſcover, or elſe the Queſtion I propoſe is as clear as the Sun at Noon.

'Tis true ſome Caſes are mixt, but then me thinks it is not ſo hard a task to give each Authority its due; Can we not eaſily diſcern, what belongs to Marriage as

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a Sacrament, from what belongs to it, as a Civil Contract? Or diſtinguiſh between the Churches power to make a Baſtard incapable of Orders, and that of the Common-wealth, to make him incapable of Inheriting? Nor has the Queſtion any greater difficulty, when the Tribunals *Succeſſively* aſſiſt one another, as when the Eccleſiaſtics, having proceeded to the utmoſt of their Juriſdiction, deliver the Criminal to the Lay Court, there to receive ſuch further puniſhment, as his Crime deſerves, which they could not have needed, had their own power reach'd ſo far, nor would they have practis'd, had they not needed it.

To conclude this point, with ſome Authority as well as Reaſon: I have read, that not only the Poſition of killing Kings was condemn'd as *Impious*, *Heretical*, and *Damnable*, by 141 Divines of the *Faculty* of Paris, in the year 1413. But ſince, in the year 1610. the ſame *Faculty* Decreed, *That it was Seditious, Impious, and Heretical, for any Subject, Vaſſal, or Stranger, on what occaſion or pretence ſoever*, Sacris Regum perſonis vim inferre, *to offer violence to the ſacred perſons of Kings*. Behold the very word *Heretical*, directly and formally applyed to a Poſition that in ſubſtance exceeds not Ours, unleſs we imagine a King ſo tame, that we may Depoſe him without offering him any Violence: or find ſome witty Caſuiſt, who has invented a new way of creeping out of the words (no matter for the plain and honeſt ſenſe) and by his grave Opinion, ſecure our Conſciences, that though it be Impious indeed and Heretical, to offer any force to the ſacred Perſons of Kings, yet to intercept their meat till they be ſtarv'd to death (as 'tis ſaid of one of the Kings of *Denmark*) is abſolutely lawful, as being an *omitted Caſe*, and ſo not at all forbidden.

Obſerving that in this whole Controverſy, the main Bulwark wherein the Defenders of the Popes Prerogative in Temporals, fortifie themſelves, and think to pacify the Civil Powers, is a certain famous diſtinction, whoſe plain and literal ſenſe I underſtand well enough, but can-

not find in it, if impartially examin'd, a title to make ſo great an Impreſſion as is pretended; I humbly intreat your quick and ſtrong Eye, to look a little ſeriouſly into the Queſtion, and teach me,

IX. *What difference there is, as to any real effect in Government, between acknowledging a direct immediate Power in the Pope to Depoſe Princes, or only an indirect and mediate One?*

IS it not almoſt all one in it ſelf, and altogether all one in miſchief, whether my eyes be beaten out with a direct ſtroke of a Tennis-Ball, or by *Bricol*? Are not our Laws ſtill equally Penal both to direct and indirect Offenders? will any of us allow a ſlandering tongue (than which nothing is more frequent, or more intolerable) to Calumniate freely, on condition his poyſonous darts come only *glancing*, and not be level'd point blank againſt us?

Here they perhaps will ſay, I miſtake the Caſe; For, were only the *Exerciſe* of this Power mediate and indirect, they would confeſs my ſimilitudes had ſomething of Argument, but the very *Power* it ſelf, ſay they, is in its *Intrinſick nature* no more than mediate and indirect, which widens much the ſides of the diſtinction, nor do any of my Interrogations offer to confute it.

When I have firſt declar'd, I intend not to meddle with ſuch ſlender Entityes as *Relations* metaphyſically conſider'd; I ſhall betake my thoughts to what I conceive more pertinent to our purpoſe, the *Moral* Notion; and enquire what influence on humane actions a direct Power gives its Poſſeſſor, more than an indirect? If they anſwer, by the one he can puniſh his Inferiours, as he pleaſes, by the other not: I reply, That is the notion of an abſolute and perfectly arbitrary Government, not preciſely of a direct Power, which not only may ſometimes be limited, but almoſt always is; has not the Emperour a direct

direct Authority over the Germain Electors? Is not the Pope direct Superiour of the Chriſtian Biſhops? yet which of them can, either One or the Other, deprive or puniſh at his meer pleaſure? If they ſay, 'tis a Power as ſtrongly Commanding as the direct, but is not in the ſame line, the Spiritual being of a quite different Order from the Temporal; I confeſs theſe are pretty terms to entertain ſubtile heads, and amuze ſimple ones; but to a down-right prudent Examiner, I believe they'l prove of very little ſerious Signification, nay though the Cauſes be contrary to one another, if they produce the ſame effect, they make with me the ſame argument. Naturaliſts ſay, that Cold immediately condenſes by directly cruſhng the Body it incloſes: whereas Heat firſt extenuates, and then draws away the ſubtiliz'd parts, and after the groſſer ſhrink together of themſelves, and ſo condenſes too, but mediately and indirectly; and theſe are words that ſound well enough; but when we come to practical application, and find that too much Sun, as well as Froſt, ſo dries and hardens the Earth, that it choaks our ſeed, and kills our flowers, what good does our fine diſtinction? what does our *Mediately* and *Indirectly* avail us?

Nor is the Effect only the ſame, whether the Popes power be called direct or indirect, ſince each way he really dethrones the Prince; but the end to both of his direct-Spiritual, and indirect-Temporal Authority is the ſame, ſince He is bound to manage the laſt only, *in ordine ad Spiritualia*, and the firſt, *ad Edificationem*; which two phraſes ſeem to me no ill Synonima's, one of another. Theſe are ſome of the reflections that have made me doubt, though there may be (and I think I ſee it) ſome Speculative difference between the two manners of Title, yet in practiſe very little, if any at all.

When all this is ſaid, and far more, (which I think not uneaſy to do) ſtill there remain two grand Objections: The Supreme Paſtor has engag'd his Authority; and our duty obliges us to obey His Commands: Our Predeceſ-

ſors have refus'd the Oath, and ſuffer'd for refuſing; and our honour is concern'd to follow their ſteps. To which, with your permiſſion, I offer this anſwer,

Since by the Popes forbearing the French we evidently ſee ſuch Prohibitions depend on particular and occaſional Conſiderations, not only lyable to be miſapprehended by others, but to be alter'd in themſelves; certainly it very ill becomes our Reverence to the Authority of the Pope, or reſpect to the Memory of our Anceſtors, to fear they would wilfully perſiſt in a diſcover'd Errour, and not change their proceedings, when they ſhould ſee the grounds on which they proceeded were chang'd.

Nor even then when the Pope's *Brief* forbad the Oath, did there want a juſt number of Catholicks, if my Books ſay true, who humbly repreſented their Motives to his Holineſs, why they doubted his Prohibition was not obliging, as being grounded on miſtaken and incertain Suppoſitions: A priviledge permitted to all, and moſt of all to Eccleſiaſtical Subjects (who are not Govern'd by the Sword, but the Paſtoral Staff) either to obey or give good reaſon why they do not: and this, without the leaſt ſuſpition of boldly examining their Superiors Commands with the Judgement of Authority, but exerciſing only, what the meaneſt Vaſſal may Loyally practiſe towards the greateſt Prince, their natural Reaſon and Judgement of Diſcretion.

And here I muſt confeſs my ſelf inclin'd to think it very probable, that the whole buſineſs was untruly repreſented to the Pope: for, can we doubt but *Card. Bellarmine* was acquainted with the Informations given to his Holineſs? or, that they Both agreed not in their ſenſe concerning our Caſe? let us then ſee what his Eminence ſays in his Letter to Mr. *Blackwell*, Arch-Prieſt of the Engliſh Clergy; where, having alledg'd that ancient Inſtance of mingling together the Images of the Emperors, and of the falſe Gods, to entangle the Chriſtians with this *Dilemma*, that either they muſt bow to *Jupiter*, and commit Idolatry; or not bow to *Cæſar*, and be guil-

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ty of high Treaſon, He adds, *Tale aliquid in juramento*, &c. *Some ſuch thing me thinks I ſee in this Oath they offer you, which is ſo fraudulently contriv'd, that none can profeſs their Civil Subjection to the King and Deteſt all Treaſon againſt Him, but he muſt needs perfidiouſly Renounce the Supremacy of the See Apoſtolick.* And again, *Nam ſi rem totam*, &c. *If you will diligently examine the whole matter, you'l ſee 'tis no ſmall thing which by that Oath is brought into danger, but one of the Capital and Fundamental Points of our Faith and Catholick Religion*; And quite throughout the whole Letter, He ſtill ſuppoſes the Deſign of the Framers of this Oath, how covertly ſoever they expreſs themſelves to be; *That the Authority of Head of the Church be transferr'd (as to* England *) from the Succeſſor of St.* Peter, *to the Succeſſor of* Henry *the* 8. Which ſtill ſo much the more evidently appears, both by his Quoting Fathers upon the general head of obeying the Pope, and acknowledging his Supremacy, as alſo by his comparing Mr. *Blackwells* Sin in taking the Oath, to *Peters* denying Chriſt, and *Marcellinus*'s Sacrificing to Idols; whom at leaſt in ſome part, He ſays, the Arch-Prieſt imitated. Does this Pen run as if it were guided by a Hand well inform'd? Is it not highly probable that ſuch Informations were the grounds of the Prohibition? Is it not abſolutely certain, that ſuch grounds, being palpable miſtakes, are no way ſufficient to oblige our Obedience.

Not that we have cauſe ſo much to complain of the *Brief*, as of them whoſe Paſſionate, and perhaps Factious Zeal procur'd it: for how can the Pope be inform'd what we *Tramontani* do, but by others? and how can He Judge, but as he is inform'd? ſince ſurely we are not to expect ſuch an extraordinary aſſiſtance from Heaven to guide his Hand in writing a Letter, though *in Form of Brief*, as ſome pretend for his defining *ex Cathedrâ*. Read but the *Bulla Cœnæ*, and you'l find it no impoſſible thing for the Pope to claim more, than a good Subject, much leſs a wiſe King will give him: there he ſolemnly excommuni-

communicates all Princes, who impoſe on their Subjects new *Gabels* without leave of the See Apoſtolick: with many other unallow'd pretences. From all which we inferr theſe two plain truths, That the Pope may miſcommand; and when he does ſo, be lawfully diſobey'd.

But to proceed ingenuouſly with you, as I hope and beg you will do with me; let us fortify this Objection with the utmoſt skill and ſtrength we can: This Act of Depoſing Kings has not only been done by Popes, but approv'd by Councils; to whoſe joynt-Authority I confeſs a great Reverence is due, and therefore beſeech you deal candidly with me (for I have not any convenience to examine the circumſtances of theſe Hiſtories) did they only approve the Fact; or declare the Right? if the firſt, I ſhall without ſtaying to diſpute it, ſuppoſe the thing, for that time, well done; and only enquire, in reference to what Authority 'twas done: our *Henry* the 7. we know did many Acts without declaring the Title by which he did them; and the Parliaments approbation ſtill confirm'd them: if then they proceeded as by a Commiſſion claim'd from Chriſt, and allow'd in a General Council, would not that make the Tenet an Article of Faith, and ſo prove too much, ſince among the Temperate it generally pretends no higher than an Opinion? but if they acted only by a Commiſſion deriv'd from Neceſſity, which having no Law, is a Law to it ſelf, the Conſequence little concerns our Diſpute; who know the *Pope* Himſelf has been depos'd; yet neither will He admit, nor need his Depoſers pretend any Juriſdiction or Superiority over Him; 'tis enough where Neceſſity over-rules the Law, that Neceſſity Govern in its ſtead; which if true and real, may perhaps do much harm, but can do no injury.

As to the other Branch; if the Council interpos'd in declaring the Right, either they intended it as a Definition, and then you muſt ſay 'tis *of Faith*, which almoſt every one denyes: or as an Eccleſiaſtical Canon, and then I muſt ſay, it binds only where receiv'd, and may be

be alter'd or repeal'd like other Laws, as is already diſcours'd, when we cited the Council of *Lateran.*

However, in our particular Caſe, nothing is more eaſy than to Conquer the Objectors of the Popes Briefs with their own weapons, for let them tell me, are they not ready to ſwear they will faithfully ſerve their King while they live, and that *notwithſtanding any Papal Diſpenſation, or whatever other Proceeding to the contrary*? what ſignifies this, but an expreſs renouncing all obedience to the Pope in theſe points? True ſay they, we renounce obedience, but not the acknowledgment of his Power: we will adhere to the King, though the Pope ſhould Depoſe him; but will not ſay, he cannot Depoſe him. What wiſe and real difference (as to Government, and the practical part of humane life) can we imagine between theſe two; *I'le ſwear never to obey my Commander*, and *I'le ſwear he has no Power to Command me*? Speak plain and honeſtly, and either deny his Authority, or obey it; this motley Hypocriſy will, I fear, offend both Pope and King, and while you diſclaim your obedience to the One, and the Authority of the Other, Neither will confide in you, Change but the Perſon, and think, what a holy religious man he would be, that ſhould ſolemnly vow never to obey his Superiour, how loud ſoever he preach'd his Authority; think what a flat contradiction it is, of two Relatives, to kill one, and keep the other alive; think what an uncharitable madneſs it is, that the whole body of Catholicks be expos'd to ruine, and the whole Credit of their Religion be buried in that ruine, rather than diſavow an Authority, which we are ready to ſwear we will never obey.

But to diſpatch this chief Objection with a ſhorter word, and that ſtill taken out of their own mouths; The Pope they ſay has commanded we ſhould refuſe this Oath, but do they not too, with the ſame breath ſay, they will abſolutely forſwear obeying his Commands, if they be not preſt to renounce his Power? and what do we more than diſobey him, if notwithſtanding his Prohibi-

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tion we accept of the Oath? we meddle not with his Authority, we only (as they profeſs themſelves ready to do) deny our Obedience; is it not as lawful for us, when the King commands, to admit this Oath againſt the Popes will, as for them to ſwear they'l obey the King, let the Pope command what he will?

As for our Anceſtors, had they ſeen the Unanimous Judgment of ſo many Univerſities, and the publick Subſcriptions of ſo many eminent Regulars, particularly noted for great enlargers of the Popes power: had they examin'd the ſenſe of Antiquity towards Soveraign Princes, which acknowledges them Supreme in Temporals, and accountable to none but God; had they read the learned Treatiſes compos'd by Catholick writers, both of our own and other Nations, where this King-dethroning power is abſolutely diſavow'd; had they perus'd the Declarations of the Kings in *France*, and Arreſts of Parliaments there, by which the Authors who dar'd to aſſert that Opinion were Condemn'd, and their Books burnt by the hand of the Hangman; had they done all, or any notable part of this, they could not certainly but have chang'd their judgments, and no longer, both againſt Reaſon, Authority, and their own Intereſt, have wilfully adhered to a Tenet ſo ill grounded, and a practice ſo ruinous.

Little of all this I fear did many of our Anceſtors reflect on, but guiding their Conſciences by their Ghoſtly Fathers, and their practice by their Conſciences, choſe that ſide of the Opinion, which any one might then have refus'd without Hereſy, and any one may now without ſcandal, without ſcandal I mean as to a bare Opinion conſider'd in its naked ſelf, not as it unhappily is dreſt up in the Oath, where ſome expreſſions, at firſt ſight, ſhew ſo odly, that a little prejudice or unacquaintedneſs makes many a well meaner boggle at them; And here again I heartily renew the wiſh I have already made, that a generil form of Oath, were ſo Charitably and Condeſcendingly fram'd, as might fully ſecure to our moſt gra-

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cious Soveraign the Allegiance of All, and not trouble with ſcruples the leſs inſtructed Conſcience of any.

But to diſpatch this Objection: If to take the Oath we diſcourſe of be truly juſtifiable, why may not we do what we think lawful now, becauſe our Predeceſſors did not what they thought unlawful heretofore? their Refuſal was Innocent and Laudable, ſince they follow'd ſincerely the dictates of their Conſciences; yet Ours will be *neither*, unleſs we do ſo too; nay the very reaſon that made them decline the Oath, *their being ſo perſwaded*, engages us to take it, if we be *otherwiſe* perſwaded; for, as in this all the world agrees, that an erroneous Conſcience, till the miſtake be remov'd, undoubtedly obliges; ſo none will deny, but, the Truth once clear'd, the Obligation ceaſes: If ſuch then be the Caſe between our Predeceſſors and Us, we may fairly be abſolv'd from following them, or rather truly be ſaid to follow them, while we all aim at the ſame end (the Conſcionable performance of what we believe our Duty) though we ſeem to go thither by different ways: None but eternal truths can exact an unchangeable adherence; none but they can deſerve it.

And now I have only one Queſtion more to propoſe,

XII. *How do the Clergy, the Religious, and the Wiſer ſort of the Laity in other Countries behave themſelves, when the Pope makes War, or any other way Contends with their Soveraign Princes or States?*

FOr even in *Italy*, I ſee moſt of them generally, and all of them ſometimes, diſobey the Pope, and cleave to their Country; nay thoſe very Religious who have formerly ventur'd All by a particular Obedience to his Holineſs, are noted of late to be grown more temperate: I have read, if I miſremember not, in an Italian Author this Story, That the Pope making War ſome few years ſince, with the Duke of *Parma*, and proceed-

ing againſt him to the extremity of Eccleſiaſtical Cenſures, occaſion'd the Duke to adviſe with his Council, how he ſhould bear himſelf towards the Church-men that liv'd in his Subjection; where after ſome debate, 'twas at length concluded, that fit perſons ſhould immediately be deputed to demand of every Order both Secular and Regular, which party they intended to follow? onely to one ſort of Regulars it was expreſly forbidden to make any ſuch Addreſs, leſt their extraordinary obſequiouſneſs to the Pope might engage them otherwiſe than the Duke deſir'd, and the example of their Non-conformity breed a prejudice to his affairs: But they, wiſely examining the Conſequences of ſo new a Diſtinction, and the Neceſſity of preventing ſo dangerous a jealouſy, did of themſelves, without expecting any Summons, wait upon their Prince, and voluntarily preſented Him their Humble Proteſtations of Fidelity and Obedience: an action, which, I am apt to believe was not a little contributive to their late Reſtitution in the wary State of *Venice*. In fine, every ſort of Eccleſiaſticks, as well the uninvited, as the invited came in, and profeſt their firm and poſitive reſolution to obey the Commands of his Highneſs, notwithſtanding the Interdict of his Holyneſs.

And yet (to abſtract from the Juſtice of the Quarrel, which was perhaps on the Popes ſide) the Duke is not only a Feudatary of the Church, but his eſtate was at firſt deriv'd to him from the Pope, and is to return again in default of Iſſue male, which makes a fair difference betwixt Him and the Caſe of an Abſolute King.

But to look nearer home; what did we our ſelves not many years ſince in our own Country? did not almoſt all the Eccleſiaſticks, and a number of the Nobility and Gentry, ſufficient to repreſent the whole little Body of Catholicks here, after full deliberation unanimouſly ſubſcribe their *Negative* to theſe three *Articles*?

I. *That the Pope or Church hath power to abſolve any perſon or perſons from their Obedience to the Civil and Politi-*

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*cal Government eſtabliſh'd or to be eſtabliſhed in this Nation, in Civil and Political affairs.*

II. *That by the Command or Diſpenſation of the Pope or Church, it is lawful to kill, deſtroy, or do any injury to any Perſon or Perſons living within the Kings Dominions, becauſe that ſuch a Perſon or Perſons are Accuſed, Condemned, Cenſured, or Excommunicated for Error, Schiſm, or Hereſy.*

III. *That it is lawful in it ſelf, or by Diſpenſation from the Pope, to break Promiſe or Oath, made to any of the foreſaid Perſons, under pretence that they are Hereticks.*

Theſe, I am ſorry I muſt confeſs were Cenſured at *Rome*, privately indeed and without ſolemnity, as being perhaps either unwilling to come to the light, or unable to bear it; whatever was the motive, I cannot omit to make this Reflection upon ſo unequal a proceeding towards the proſperous *French*, and the afflicted *Engliſh*; what either of injurious or untrue, do any of theſe three Propoſitions contain, that is not both more largely, and more ſmartly expreſt in the Decrees of *Sorbonne*, and the reſt of the Univerſities cited at the beginning of this Letter? if they be free, why are not we? if we be condemn'd, why are not they?

No. At leaſt, this Roman Cenſure of the Engliſh Subſcription, wants not ſome good effect, ſince it has abſolutely clear'd the chief remaining Objection; which elſe, if captiouſly manag'd, might perhaps have given us ſome trouble to maintain our parallel with the French, for, till then, it had been no great piece of invention, to pretend that the Popes prohibitive Brief was applyable only to the whole Oath in groſs, and ſo might conſiſt well enough with the diſclaim of His indirect Authority over Kings: But now I ſee, 'tis not the Form, 'tis not an inconvenient Phraſe or two (the greateſt ſcruple of ſome ſerious Perſons among us here) but the very Subſtance of

of the Oath, the growing denyal of the Popes power to Depoſe Princes, is the chief, if not the only Scandal that's offenſive there.

Nor is this kind of diſobedience to the Popes Commands only in ſome Caſes practis'd, but by the Common Maxime of the Canoniſts, and of Reaſon too, conſtantly maintain'd, both which ſtep in to our relief in ſuch extremities, and ſay, where any notable miſchief is like to follow, we are not oblig'd to obey the Pope, though he command under pain of Excommunication, *ipſo facto*. This is the common Opinion of the Learned; but, becauſe 'tis too the common ſcruple of the unlearned, I ſhall cite ſome few Authorities tranſcrib'd out of books where I find them collected, having my ſelf neither skill nor delight in ſuch kind of Studies; Of theſe I conceive two or three, in a point ſo evident, abundantly ſufficient; One is of Pope *Innocent* 3. thus cited by *Franc. Zabarel de ſchiſmat. Papæ non eſt obediendum*, &c. *We are not to obey the Pope when there is a vehement preſumption that the ſtate of the Church may be diſturbed, or other miſchiefs like to follow; Nay it were a ſin to obey, becauſe every one is bound to prevent future evils.* Conformable to this, *Sylveſter* alledging *Panormitan*, ſays, *Verb. obedientia Num.* 5. *Nec eſt ei obedientium*, &c. *We are not to obey the Pope, if our obedience may be preſumed will trouble the ſtate of the Church, or becauſe of any future Evil or Scandal, though the Precept were under pain of Excommunication*, Latæ ſententiæ. And *Cardinal Tolet* citing the ſame Authors, pronounces the ſame truth in far more ample terms.

Do not theſe Authors (and none I ſuppoſe, for I have not much acquaintance with that ſort of Learning, can differ from them in proper Caſes) give us indeed more than we have need of? Are not the Conſequences of our obeying the Pope's Letters, ruinous to our Fortunes; and which is worſe, Scandalous to our Religion? ſhall we not ſtrengthen the ſuſpition of our Factiouſneſs, and Inconſiſtency with Civil Government?

ment? and can a little Credit of a few at *Rome*, counterpoiſe a burthen that lies ſo heavy on us all, in our own Country?

The Circumſtances we are in, I confeſs, are very unhappy, when the wiſeſt of thoſe who ſhould adviſe us, are not fully free to ſpeak their thoughts? but by particular Concernments ſo tempted to comply, that nothing but a rare Sincerity and Courage can enable them to reſiſt: a Caſe that needs indeed ſome pity, but deſerves no praiſe: and therefore as we ſhall be too blame, if we Cenſure too readily the Effects of Frailty in Them, ſo will they be leſs Innocent, if they condemn too ſeverely the Uſe of Liberty in Us. For my part, I have this to ſay, in proof of my own Indifferency, I am not Ambitious for preferment from Any, but humbly and heartily acknowledge my ſubmiſſion to every one above me; eſpecially to the two Supreme, whom with all fidelity I am ready to obey, as my Soveraign Governors, though They never ſhould be my particular Benefactors.

A Duty we owe to the Pope, a Duty to the King; both commanded by God, both obliging under Sin; yet both confin'd to their proper limits; Too much of the Temporal may be aſcrib'd to Popes; too much of the Spiritual to King: too much may be challeng'd by Both: the difficulty is, when either exceeds, who muſt be Judge: if the cauſe be clearly Temporal, 'tis clearly the King (ſpeaking of Common Right, not their particular Agreements) if Spiritual, the Pope; but where the Quality of the cauſe is invincibly doubted, (which can ſeldom be without a ſtrange paſſion at leaſt on one ſide,) I know no Judge expreſly impower'd to decide ſo extraordinary a Queſtion, nor can imagin any other remedy, than what true Reaſon, preſs'd with neceſſity, will extemporally dictate in ſuch an occaſion. However, thus far I plainly ſee, that, as ſometimes a miſchance may happen by the Competition of theſe two Authorities, ſo often very many and great advantages may accrue to Both, by their good correſpondence, and mutual aſſiſtance.

But

But by no means can I ſee, were the Extent of the Popes power in Spirituals, and the Denyal of his power in Temporals well underſtood, what diſturbance He could poſſibly make in this Kingdome? if he excommunicate the *Proteſtants* they little regard it: if the *Catholicks*, ſuch as are rightly inſtructed know their Civil Obligations both to their King and Fellow-ſubjects, remain entirely the ſame after Excommunication as they were before. No Eccleſiaſtical Cenſures againſt a *Catholick* here altering in the leaſt tittle his Circumſtances to *Proteſtants*; ſince of its own nature, it only concerns Communication in Spirituals, wherein, before any Cenſure they no more Communicate together, than after: indeed among the *Catholicks* ſuch Cenſure has ſome effect; yet of it ſelf, only thus far can it work with them, to ſuſpend or deprive their Communion in Holy Offices; to which, if any Temporal prejudices be annex'd (as that an Excommunicate cannot bring an Action, &c.) they wholly are deriv'd from the Civil Power, and when it ſees convenient may wholy be revok'd.

As for the particular Laws of our Country, long before the unhappy dividing times of *H.* 8. our Wiſe, yet Pious Anceſtors fail'd not to provide for the publick peace againſt all Forreign incroachments: prohibiting the importation of any *Bull* from *Rome* without his Majeſties allowance, and impoſing penalties on any that preſum'd without His Royal Aſſent to publiſh them. And were things ſo diſpos'd that the little correſpondence which is neceſſary for Catholicks here with *Rome* were *regulated*, and not by ſeveritie endeavour'd to be *extinguiſhed*, (which cannot be effected without extinguiſhing the Religion it ſelf) I am confident no one ſort of people in the whole Nation would be either more faithfully ſerviceable to their King, or more ſecurely incapable of diſſerving their Country. Nor would this deſign require any more conſideration than only to reſolve that their Eccleſiaſtical Government ſhould be no other than ſuch as had known Rules and Limits, not Arbitrarily depending on *Rome*; And

their Eccleſiaſtical Governours no other than ſuch as were of known Loyalty to their King, and Piety to their Countrey.

Thus Sir I have finiſh'd theſe few Queſtions; and hope by Your inſtruction to ſettle my mind: profeſſing heartily my abſolute readineſs (with the Grace of God) to govern my Underſtanding by Reaſon, and my Actions by my Underſtanding: only this ſhort Petition I Humbly add, That as your Nature is Frank and Generous, your Anſwer may be Manly and Candid, not in the way miſcall'd *Pious*, but with a ſtrict Conformity to what is true and ſolid; and however your Opinion may poſſibly in ſome things differ from mine, yet ſtill continue in all things to Command

*SIR,*

*Your Moſt*

*Humble Servant*

A. G.

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*FINIS.*